

REMARKS

The Office Action mailed May 3, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Election Requirement

Applicants affirm the election, without traverse, to prosecute the invention of Group II, Claims 55-60. Applicants reserve the right to pursue the patentability of the subject matter of the non-elected claims.

Rejection(s) Pursuant to Judicially-Created Double Patenting

Claims 55-60 stand rejected pursuant to the statutory type double patenting rejection, for allegedly claiming the same invention as that of claims 47-52 of prior U.S. Patent No. 6,626,890. Claims 55-60 have been amended so that they are no longer co-extensive in scope with the '890 patent. Specifically, claim 55, from which claims 56-60 depend, has been amended to recite a non-convex surface for pressing the fat layer. Claims 47-52 of the '890 do not have this limitation and accordingly cover a different scope than that of claim 55 and 56-60 dependent therefrom. In addition, claim 56 has been amended to state that blood vessels are allowed to pass through the at least one hole, and claims 59 and 60 have been amended to replace "cannula" with "wand." These additional limitations further distinguish the scope of the present invention from that of the '890 patent. Accordingly, there is no double patenting and the rejection alleging same should be withdrawn.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

PATENT
Serial No. 10/735,349
Atty. Docket No. 036565-018

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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